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PETER TANNENWALD
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ORIGINAL

January 22, 1998

Magalie Roman Salas, Secretary
Federal Communications Commission
Washington, DC 20554

**Re: Report of Ex Parte Communication
Docket No. 87-268**

RECEIVED

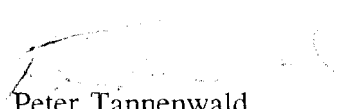
JAN 29 1998

RECEIVED COMMUNICATIONS SECTION
FEDERAL BUREAU OF INVESTIGATION

Dear Ms. Salas:

Pursuant to Section 1.1206(a)(1) of the Commission's Rules, I am submitting two copies of a written *ex parte* communication to the Chairman, with copies to Commissioners Ness, Powell, Furchtgott-Roth, and Tristani, delivered to each of their offices this morning, addressing matters in issue in MM Docket No. 87-268.

Very truly yours,


Peter Tannenwald
Counsel for the Community
Broadcasters Association

Attachment

cc: (w/att)

Chairman William E. Kennard
Commissioner Susan Ness, Room 832
Commissioner Michael Powell, Room 844
Commissioner Harold Furchtgott-Roth, Room 802
Commissioner Gloria Tristani, Room 826
Mr. Sherwin Grossman, CBA
Mr. Michael Sullivan, CBA
Ms. Margita White, MSTV

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January 22, 1998

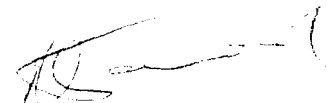
BY HAND DELIVERY

Honorable William E. Kennard
Chairman
1919 M St., N.W., Room 814
Federal Communications Commission
Washington, DC 20554

Dear Mr. Chairman:

The attached letter to you is also being filed with the Secretary for the *ex parte* file and is intended to reach you before the release of any Sunshine Notice re the January 29 Commission meeting. I have not yet seen any such notice or learned of its release.

Sincerely,



Peter Tannenwald

Attachment

cc: (w/att) Commissioner Susan Ness, Room 832
Commissioner Michael Powell, Room 844
Commissioner Harold Furchtgott-Roth, Room 802
Commissioner Gloria Tristani, Room 826
Mr. Sherwin Grossman, CBA
Mr. Michael Sullivan, CBA
Ms. Margita White, MSTV



COMMUNITY BROADCASTERS ASSOCIATION

Sherwin Grossman
President
Sherjan Broadcasting Co. Inc.
Miami, Florida

Mike Sullivan
Executive Director
St. Cloud, Minnesota

The Honorable William E. Kennard
Chairman
Mail Stop 0101
Federal Communications Commission
Washington, DC 20554

**Re: Advanced Television Systems
MM Docket No. 87-268**

Ex Parte Communications

Dear Mr. Chairman:

I am writing in response to a letter sent to you on January 6, 1998, by the Association for Maximum Service Television, Inc. (MSTV), submitting a proposal for the a *de minimis* interference standard for dealing with minor DTV facility changes and NTSC UHF stations' requests for NTSC power increases.

The problem of accommodating digital television and the desire of UHF stations for power increases as admittedly difficult, but so is the problem of preserving valuable service from the low power television (LPTV) stations. LPTV stations, more often than UHF full power stations, provide the only local service to a geographic or special interest community. The commission rightly recognized the importance of preserving LPTV service at paragraph 182 of the *Sixth Report and Order* in MM Docket No. 87-268.

I am saddened that MSTV still does not acknowledge the importance of preserving LPTV service and its proposal does not take into account its impact on LPTV, as required by paragraph 182. I think it is also important to note that MSTV's recognition that up to 3% more interference is tolerable in order to meet other objectives is consistent with the alternative table of allotments and accompanying modified software submitted in an *ex parte* filing on December 15, 1997, by the Community Broadcasters Association (CBA). That submission proposed only about 2.5% additional interference, while saving over 300 LPTV stations from displacement and possible destruction.

Warren L. Trumbly
Vice President
Polar Broadcasting
Sacramento, California

Doug Jensen
2nd Vice President
North Georgia Television
Dalton, Ga

Jud Colley
Treasurer
Beach TV
Panama City, Florida

Ronald Bruno
Secretary
The Videohouse, Inc.
Pittsburgh, Pennsylvania

Directors:
David Hanna
Station WPEN
Hampton, Virginia

Vernan Watson
Station WBQP
Pensacola, Florida

Edward Owen
Station WKAG
Hopkinsville, Kentucky

Greg Herman
WatchTV
Portland, Oregon

Peter Tannenwald
General Counsel
Washington, D.C.

As MSTV and CBA appear to see eye to eye on the acceptability of *de minimis* increases in interference in order to attain other important objectives, the Commission should make every effort to build a final allotment table based on the modified software and principles submitted by CBA.

I do not envy the difficulty of your job, but I am confident that you will make every effort to do the right thing.

Respectfully submitted,


Sherwin Grossman, President

cc: Commissioners Ness, Powell, Furchgot-Roth, and Tristani
Secretary, for ex parte File
Margita E. White, Esq.